

S/N 09/331376

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FODSTAD ET AL. Examiner: M. DAVIS
Serial No.: 09/331376 Group Art Unit: 1642
Filed: JUNE 18, 1999 Docket No.: 7885.65USWO
Customer No.: 23552 Confirmation No.: 1579
Title: METHOD FOR CHARACTERIZATION OF ABNORMAL CELLS

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 1, 2004.

By: 

Name: Lisa Hill

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 5, 2004, Applicant respectfully requests entry and consideration of the following:

Listing of the Claims begins on page 2.

Remarks begin on page 7.

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a different type of cells as the first antibody-particle complexes, to distinguish different type of cells, thus increasing the specificity". These statements seem to contradict each other, and the Applicant asks the Examiner to reiterate her position with respect to this point.

Furthermore, the Examiner refers to the "plurality of antibodies" disclosed in Hajek, but then writes "Further, O'Briant... multiple monoclonal antibodies can compensate for the heterogeneity of antigenic phenotype within and between tumors." The Applicant's method does not attempt to compensate for anything at all, but instead detects the expression of several antigens on single cells, but does not detect several cells due to the heterogeneity within a tumor or between tumors.

The Examiner also notes, on page 4 of the action that Fodstad and Hajek, in combination, would have made a "person skilled in the art" "motivated to phenotype within and between tumors". This is however not what Applicant is hoping to accomplish, and is not what the claims are directed to.

Applicant respectfully requests that the Examiner reconsider the rejection of the pending claims in light of the claim amendments, new claim, and comments offered above.

Conclusion

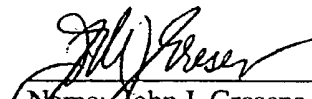
It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date: _____

July 1, 2004


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JJG:AMN/Vh